

Taffee

BEFORE

THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

DOCKET NO. 91-626-T - ORDER NO. 93-629✓

JULY 15, 1993

IN RE: Request of Low Country Trucking, Inc.,) ORDER
Route 3, Box 285, Conway, SC 29526, to) GRANTING
Reinstate Class E Certificate No. 2596-B,) INTERVENTION
which was Cancelled on the Rule to Show) AND
Cause, Order No. 92-45.) RECONSIDERATION

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Petition for Leave to Intervene Out of Time and For Reconsideration of Order No. 93-423, filed by Chemical Express Carriers, Inc. (Chemical Express). The Petition was filed on June 17, 1993. Chemical Express states that as a result of an Agreement dated January 22, 1992, Chemical Express duly and validly acquired among other things, all capital stock of Low Country Trucking, Inc. (Low Country), from Howard Lisk, Inc. and BH and JH, Inc. (the Sellers), two North Carolina corporations which had themselves previously acquired the capital stock of Low Country. The Petition goes on to state that on May 17, 1993, the Commission issued its Order No. 93-423 in which the Commission reinstated the Certificate of Low Country and rescinded the Commission Order No. 91-183, which had approved the sale of capital common stock from Low Country to the Sellers. Chemical Express, alleging that it is the sole owner of all capital stock of Low Country, was not notified of the pendency of Docket No.

91-626-T nor was it notified of the request for rescission of Order No. 91-183. Chemical Express comes before the Commission, therefore, petitioning for Leave to Intervene Out of Time and for Reconsideration of Order No. 93-423, both as to the reinstatement of a Certificate of Public Convenience and Necessity No. 2596-B, held by Low Country, and the rescission of the approval of the sale of capital common stock in Order No. 91-183, dated March 1, 1991.

The Commission has examined this matter and believes that the Petition for Leave to Intervene Out of Time by Chemical Express should be granted. Further, the Commission does not believe that Chemical Express has stated just cause for reconsideration of that part of Order No. 93-423 which reinstated the Certificate of Public Convenience and Necessity No. 2596-B held by Low Country. However, upon further examination, the Commission hereby reconsiders its rescission of Order No. 91-183, which approved the sale of capital common stock, dated March 1, 1991, and believes that the Commission should once again approve that sale of capital common stock. The rescission granted in Order No. 93-423 should therefore be rescinded.

IT IS THEREFORE ORDERED THAT:

1. The Petition for Leave to Intervene Out of Time is granted.
2. The Petition for Reconsideration of the reinstatement of Certificate of Public Convenience and Necessity No. 2596-B held by Low Country Trucking, Inc. is denied.

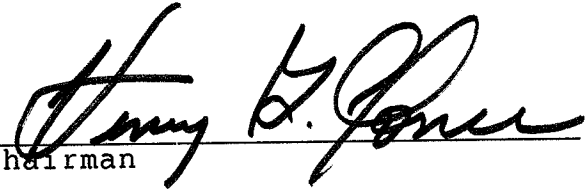
JULY 15, 1993

PAGE 3

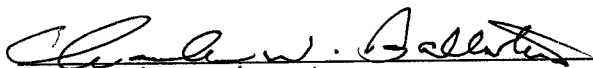
3. The reconsideration of the rescission of Order No. 91-183, approving the sale of capital common stock is hereby granted, and that portion of Order No. 93-423 is hereby rescinded.

4. That this Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)